

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-221-DCK**

**FRANCISCO AVOKI,**

**Plaintiff,**

**v.**

**CAROLINAS TELCO,**

**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion To Set Aside The Order (29) Order Staying Discovery” (Document No. 31) filed October 20, 2016. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of this motion is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

Plaintiff Francisco Avoki (“Plaintiff” or “Avoca”), appearing *pro se*, initiated this action with the filing of his “Complaint and Request of Jury Trial” (Document No. 1) on May 6, 2016. “Defendant’s Motion To Dismiss” (Document 9) was filed on July 21, 2016, but was denied as moot after Plaintiff’s “First Amended Complaint...” (Document 14) was filed on August 10, 2016. See (Document No. 17).

On September 7, 2016, “Defendant’s Motion To Dismiss Amended Complaint” (Document No. 18) and “Defendant’s Answer To Plaintiff’s Amended Complaint” (Document No. 19) were filed with the Court. On September 21, 2016, the parties consented to Magistrate Judge jurisdiction. (Document Nos. 20 and 21). A “Pretrial Order And Case Management Plan” (Document No. 25) issued on October 5, 2016.

The pending motion to dismiss became ripe for review after being fully briefed on October 17, 2017. Following “Defendant’s Motion To Stay Discovery And For Preliminary Hearing On Motion To Dismiss” (Document No. 28), the undersigned determined there was good cause to stay discovery in this case and scheduled a hearing on the pending dispositive motion for November 29, 2016.

It is the undersigned’s view that an immediate stay of this matter was in the best interests of judicial economy and efficient case management. In particular, the undersigned determined it was most efficient and economical for all parties to avoid costly discovery and/or litigation over disputed discovery requests, until the Court ruled on the pending motion to dismiss.

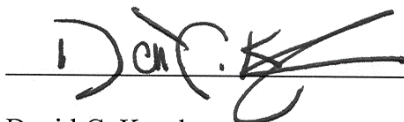
In the instant motion, Plaintiff acknowledges that there are no pending discovery requests, which further bolsters the undersigned’s view that Plaintiff will suffer little, if any, prejudice by a stay of discovery for a few weeks. (Document Nos. 30 and 31).

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion To Set Aside The Order (29) Order Staying Discovery” (Document No. 31) is **DENIED**. Discovery in this matter is **STAYED** until otherwise ordered.

**IT IS FURTHER ORDERED** that the parties shall appear for a Status and Motions Hearing on **November 29, 2016 at 10:00 a.m.** in Courtroom 2-2, Charles R. Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina.

**SO ORDERED.**

Signed: October 24, 2016



David C. Keesler  
United States Magistrate Judge

